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Date: September 11, 2009

By /Kurt G. Briscoe/  
Kurt G. Briscoe

Attorney Docket No. 101769-315

Confirmation No. 4883

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : HUSEMANN, et al.  
SERIAL NO. : 10/539,792  
CUSTOMER NO. : 27384  
FILED : May 9, 2006  
FOR : TRANSPARENT ACRYLATE ADHESIVE MASS  
COMPRISING A FILLER  
ART UNIT : 1796  
EXAMINER : Karuna P. Reddy  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPELLANTS' BRIEF ON APPEAL PURSUANT TO 37 CFR § 41.37**

SIR:

This is an appeal from the final rejection of claims 1-6, 9-12, 14-17, 19 and  
20.

**(1) REAL PARTY IN INTEREST**

The real party in interest is tesa Aktiengesellschaft (now tesa SE), by virtue of an assignment recorded in the U.S. Patent and Trademark Office on May 9, 2006, at Reel 017919, Frame 0653.

**(2) RELATED APPEALS AND INTERFERENCES**

There are no related appeals or interferences.

**(3) STATUS OF CLAIMS**

The application was originally filed with claims 1-18. The preliminary amendment filed at the time of filing canceled claim 18 and added claims 19 and 20, leaving claims 1-17, 19 and 20 then pending. The amendment filed May 29, 2007, canceled claim 8, leaving claims 1-7, 9-17, 19 and 20 then pending. Finally, the amendment dated July 7, 2008, canceled claims 7 and 13, leaving the current claims 1-6, 9-12, 14-17, 19 and 20 pending. This appeal is taken as to the final rejection of all of the current claims, i.e., claims 1-6, 9-12, 14-17, 19 and 20.

#### **(4) STATUS OF AMENDMENTS**

There have not been any amendments after the final rejection.

#### **(5) SUMMARY OF THE CLAIMED SUBJECT MATTER**

As discussed in the instant specification at page 1, line 15, continuing over to page 2, line 6, soft polyacrylate pressure-sensitive adhesives (PSAs) are frequently blended with fillers in order to ensure slitability when such adhesives are incorporated into acrylate PSA tapes. The current trend is to prepare such PSA tapes by the hotmelt process, but fiber fillers pose problems in such process. Accordingly, the artisan would like to use conventional fillers, such as silicates, but their use has been problematic in that they can cause a clouding of the acrylate PSA. There was, thus, a need in the art for a filler that behaves transparently in the PSA, but yet at the same time enhances the cohesion of the PSA and the slitability thereof.

The present invention satisfies these goals, as proven, for example, by the data in the instant specification. See, especially, page 13, lines 4-5 and 8-12

There is a single independent claim, viz., claim 1, which relates to a transparent acrylate pressure-sensitive adhesive (**page 1, line 11**) comprising a polyacrylate (**page 2, line 9**) and a filler, wherein the filler comprises particles of

silicate and/or of silica gel (**page 2, line 9**), wherein said particles additionally comprise a coating of polyacrylate chemically bonded to a free radical initiator (**page 3, lines 27-31**) which free-radical initiator is chemically bonded to said silicate and/or silica gel (**page 4, lines 11-12**), and wherein the polyacrylate-coated particles of silicate and/or of silica gel have a size of not more than 50 nm (**page 2, line 10**).

#### **(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

There are three grounds of rejection to be reviewed on appeal:

I. Claims 1, 2, 4, 5, 9-12, 14-17, 19 and 20 were rejected under 35 USC § 103(a) as being obvious over Schimdt et al. (“Schmidt”), US 5,910,522.

II. Claims 1, 2, 4-6, 9-12, 14-17, 19 and 20 were rejected under 35 USC § 103(a) as being obvious over Husemann et al. (“Husemann”), US 6,958,186, in view of Schmidt.

III. Claim 3 was rejected under 35 USC § 103(a) as being obvious over Schmitt as evidenced by Knovel (Knovel critical tables — Publication 2003).

**(7) ARGUMENT**

**I. Obviousness of Claims 1, 2, 4, 5, 9-12, 14-17, 19 and 20 over Schmidt Alone**

Appellant respectfully submits that the Examiner has committed the following errors:

**A. The Examiner errs in failing to recognize that while the instant claims are drawn to “transparent acrylate *pressure-sensitive adhesive*,” Schmidt is not drawn to a pressure-sensitive adhesive.**

Main claim 1, from which all of the other rejected claims depend, expressly states that the invention claimed is “[a] transparent acrylate pressure-sensitive adhesive comprising” the indicated components. This statement, although it appears in the preamble of the claim, is not a mere statement of intended use that can be ignored. It is, rather, a statement of structure, specifying a type of adhesive and, thus, implicitly requiring specific ingredients and resulting properties, as is well known to persons having ordinary skill in the art.

Wikipedia defines a “pressure-sensitive adhesive” as an “adhesive which forms a bond when pressure is applied to marry the adhesive with the adherent.”

Wikipedia also points out that “[n]o solvent, water, *or heat* is needed to activate the

adhesive.”

The Examiner completely ignores this limitation, describing Schmidt in all occurrences as “disclosing *an* adhesive,” and nowhere even alleging that Schmidt describes pressure-sensitive adhesives.

Further, Appellants respectfully submit that it would be immediately apparent to anyone skilled in the art that Schmidt’s materials are not pressure-sensitive adhesives, but, rather, hardening adhesives, i.e., they are activated by applying the adhesive to parts to be joined, joining the parts and then curing the adhesive, for instance, thermally. See, for example, Schmidt’s claims 13 and 14.

The rejection of the instant claims as being obvious over Schmidt alone is clearly in error as the Examiner has not dealt with all claim limitations.

**B. The Examiner errs in finding Schmidt renders *prima facie* obvious filler particles comprising a coating of a polyacrylate chemically bonded to a free radical initiator, which initiator is, in turn, chemically bonded to silicate and/or silica gel.**

The Examiner concedes in the very last paragraph on page 3 of the final rejection that:

“Schmidt is *silent* with respect to coating of filler (i.e., silicate and/or silica gel) with polyacrylate that is chemically bonded to a free-radical initiator which free radical initiator is chemically bonded to silicate and/or silica gel.”

However, the Examiner finds at the end of the first paragraph on page 4 that:

“[I]t would have been obvious to one skilled in the art to recognize that during [Schmidt’s] mixing process thermal initiators comprising functional groups would interact to some degree with functional groups on both silica particles and surface modifying substances such as acrylic acid, methacrylic acid and methyl methacrylate, and that the surface modifying compounds would in fact polymerize during thermal curing process to form a coating of polyacrylate on the surface of silicate and/or silica gel containing chemically attached thermal initiators.”

Appellants respectfully submit that this is complete conjecture, unsupported by anything on the present record.

Just as important, there is no mention anywhere in this statement of the free-radical initiator, which, according to the current claims, must be bonded between the polyacrylate coating and the silicate and/or silica gel.

However, before addressing the inherency deficiency in more detail, Appellants respectfully submit that before even getting to this point, a person having ordinary skill in the art must make a number of selections within Schmidt’s disclosure, and the Examiner has not pointed to anything that would have led persons skilled in the art to make the selections necessary to arrive at the mixture that would have to be thermally cured in order to achieve, according to the Examiner’s theory, the instant constructs.

First, persons skilled in the art would have to choose polyacrylates as the base adhesive. Although Schmidt mentions polyacrylates at column 3, line 42, polyacrylates are one of a large number of listed polymers.

Second, such persons would have to select silicate and/or silica gel as the fillers. Schmidt mentions silicates at column 4, line 6, but once again as a part of a large list of inorganic polymers.

Third, such persons would have to select small-sized silicates. Schmidt teaches at column 4, lines 36-38, that the particles usually have a size of 1 to 200 nm, which is too big a range to meet the claim requirement of “not more than 50 nm.” Although Schmidt teaches a preferred and particularly preferred range of “to 50 nm” and “to 20 nm,” respectively, these are further selections that would need to be made.

Fourth, such persons would have to select the size of the silicates so that after the Examiner’s inherency theory is carried out there results polyacrylate-initiator-silicate and/or silica gel particulates no more than 50 nm in size.

Fifth, such persons would need to select a free-radical initiator. Again, such materials are within Schmidt’s broad teachings.

Sixth, once such selections were made, such persons would need to carry out a thermal curing under conditions that inherently yield polyacrylate chemically bonded to initiator chemically bonded to silicate and/or silica gel, again, with the



size restrictions discussed above.

Finally, such persons would need to do all this in the context of preparing a pressure-sensitive adhesive, a requirement that, as noted above, the Examiner has not dealt with at all.

Respectfully, there is nothing in Schmidt directing persons skilled in the art to make all of these selections. Even if such selections *could* be made, Appellants point out that such possibility does not make out a *prima facie* case of obviousness. *See, In re Baird*, 29 USPQ2d 1550, 1552 (Fed. Cir. 1994) (“The fact that a claimed compound may be encompassed by a disclosed generic formula does not by itself render that compound obvious.”) Instead, a *prima facie* case of obviousness is only made out if the prior art highlighted the selections that must be made to achieve the claimed compounds in some manner, and, therefore, led persons skilled in the art towards them. The Examiner makes absolutely no case how the prior art highlights the pertinent selections and, thus, leads persons skilled in the art to the instant compounds. In the absence of such effort, the Examiner has failed to make out a *prima facie* case of obviousness.

**C. The Examiner errs in finding that filler particles comprising a coating of a polyacrylate chemically bonded to a free radical initiator, which initiator is, in turn, chemically bonded to silicate and/or silica gel would inherently form during Schmidt’s thermal**

**curing process.**

Further, Appellants point out that the concept of inherency is strictly applied generally, and misapplied by the Examiner in this case. Where, as here, the Examiner relies on a theory of inherency as to any particular element, then the extrinsic evidence must make clear that such element is *necessarily* present in the thing described in the reference, and the presence of such element therein would be so recognized by persons skilled in the art. *In re Robertson*, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). Further, inherency is not established by probabilities or possibilities, and the mere fact that a property may result from a given circumstances is not sufficient; instead it must be shown that such property *necessarily* inheres in the thing described in the reference. *Id.*

From page 8 of the instant application, one can glean some exemplary steps to make an azo-initiator-functionalized silyl compound. Even this falls short of the current claims, wherein the azo-initiator is required to be further chemically bonded to a polyacrylate coating. The Examiner says that such a complex series of chemical reactions leading to the instant constructs can occur *in situ* through thermal curing, but gives no sound technical reasoning why this is the case. As *Robertson* makes clear, the burden is squarely on the Examiner to provide a sound technical reasoning why it will *necessarily* be the case that even if the appropriate

selections within Schmidt's disclosure are made, the necessary result of thermal curing will be particles comprising a coating of polyacrylate chemically bonded to initiator chemically bonded to silicate and/or silicate gel, wherein the particles additionally are not more than 50 nm in size.

The Examiner says in the third paragraph on page 8 that this is "implicit." However, not only does Schmidt not imply this, but the standard is "inherent" and this must necessarily occur. The Examiner has not shown this to occur necessarily, and, thus, has made a *prima facie* case of inherency.

In view of the foregoing, Appellants respectfully submit that Schmidt alone fails to make out a *prima facie* case of the obviousness of the rejected claims.

## **II. Obviousness of Claims 1, 2, 4-6, 9-12, 14-17, 19 and 20 over Husemann in view of Schmidt**

Appellants respectfully submit that the Examiner commits the following errors:

### **A. Husemann is disqualified as prior art against the instant claims**

35 USC § 103(c)(1) provides:

"Subject matter developed by another person, which qualifies as prior art only under one or more of

subsections (e), (f), and (g) of section 102 of this title, shall ***not*** preclude patentability under this subsection where the subject matter and the claimed invention were, at the time the claimed invention was made, ***owned by the same person or subject to an obligation of assignment to the same person.*** [Emphasis added.]”

Further, MPEP § 706.02(1)(2)(II) provides:

“For example, an attorney or agent of record receives an Office action for Application X in which all the claims are rejected under 35 U.S.C. 103(a) using Patent A in view of Patent B wherein Patent A is only available as prior art under 35 U.S.C. 102(e), (f), and/or (g). In her response to the Office action, the attorney or agent for Application X states, in a clear and conspicuous manner, that:

‘Application X and Patent A were, at the time the invention of Application X was made, owned by Company Z.’

“This statement alone is sufficient evidence to disqualify Patent A from being used in a rejection under 35 U.S.C. 103(a) against the claims of Application X.”

Husemann was issued on October 25, 2005, which is ***after*** the filing date of the instant application on November 24, 2003. Accordingly, Husemann cannot qualify as prior art under either 35 USC §§ 102(a) or (b).

Moreover, Husemann does not appear to qualify as either 35 USC §§ 102(c) or (d) prior art.

Consequently, if Husemann qualifies as prior art at all, Husemann qualifies under 35 USC §§ 102(e), (f) or (g).

It is clear from the face of Husemann that the patent is assigned to tesa Aktiengesellschaft, the same assignee of the instant application. Further, two of the three inventors on Husemann are Marc Husemann and Stephen Zöllner, who are the same two inventors on the instant case.

The undersigned hereby states that Husemann and the instant application were, at the time the present invention was made, owned by tesa Aktiengesellschaft, or subject to an obligation of assignment to tesa Aktiengesellschaft.

Appellants respectfully submit such statement disqualifies Husemann as prior art against the instant claims. Consequently, the Examiner's combination of Husemann with Schmidt is improper.

**B. Even if Husemann is properly relied on, in further relying on Schmidt, the Examiner commits the same errors noted above in connection with the obviousness rejection based on Schmidt alone.**

The Examiner concedes in the middle of page 5 of the final rejection that:

“Husemann et al is silent with respect to size of fillers such as silicates and/or silica gel; and coating of the filler (i.e. silicate and/or silica gel) with polyacrylate that is chemically bonded to a free-radical initiator which free radical initiator is chemically bonded to silicate and/or silica gel.”

The Examiner looks to Schmidt to bridge these gaps between Husemann and the instant claims, and, in so doing, commits some of the same errors noted above, specifically:

- 1. The Examiner errs in finding Schmidt renders *prima facie* obvious filler particles comprising a coating of a polyacrylate chemically bonded to a free radical initiator, which initiator is, in turn, chemically bonded to silicate and/or silica gel.**

Again, the Examiner concedes in the very last paragraph on page 3 of the final rejection that:

“Schmidt is *silent* with respect to coating of filler (i.e., silicate and/or silica gel) with polyacrylate that is chemically bonded to a free-radical initiator which free radical initiator is chemically bonded to silicate and/or silica gel.”

However, the Examiner finds at the end of the first paragraph on page 4 that:

“[I]t would have been obvious to one skilled in the art to recognize that during [Schmidt’s] mixing process thermal initiators comprising functional groups would interact to some degree with functional groups on both silica particles and surface modifying substances such as acrylic acid, methacrylic acid and methyl methacrylate, and that the surface modifying compounds would in fact polymerize during thermal curing process to form a coating of polyacrylate on the surface of silicate and/or silica gel containing chemically attached thermal initiators.”

Appellants respectfully submit that this is complete conjecture, unsupported by anything on the present record.

Just as important, there is no mention anywhere in this statement of the free-radical initiator, which, according to the current claims, must be bonded between the polyacrylate coating and the silicate and/or silica gel.

Appellants respectfully remind the Board of the many selections that a person having ordinary skill in the art must make from within Schmidt's disclosure in order to achieve the present invention; and, further that the Examiner has not pointed to anything that would have led persons skilled in the art to make the selections necessary to arrive at the mixture that would have to be thermally cured in order to achieve, according to the Examiner's theory, the instant constructs.

Respectfully, there is nothing in Schmidt directing persons skilled in the art to make all of the necessary selections. Even if such selections *could* be made, Appellants point out, again, that such possibility does not make out a *prima facie* case of obviousness. See, *In re Baird*, 29 USPQ2d 1550, 1552 (Fed. Cir. 1994) ("The fact that a claimed compound may be encompassed by a disclosed generic formula does not by itself render that compound obvious.") Instead, a *prima facie* case of obviousness is only made out if the prior art highlighted the selections that must be made to achieve the claimed compounds in some manner, and, therefore,

led persons skilled in the art towards them. The Examiner makes absolutely no case how the prior art highlights the pertinent selections and, thus, leads persons skilled in the art to the instant compounds. In the absence of such effort, the Examiner has failed to make out a *prima facie* case of obviousness.

- 2. The Examiner errs in finding that filler particles comprising a coating of a polyacrylate chemically bonded to a free radical initiator, which initiator is, in turn, chemically bonded to silicate and/or silica gel would inherently form during Schmidt's thermal curing process.**

Further, Appellants point out, again, that the concept of inherency is strictly applied generally, and misapplied by the Examiner in this case. Where, as here, the Examiner relies on a theory of inherency as to any particular element, then the extrinsic evidence must make clear that such element is *necessarily* present in the thing described in the reference, and the presence of such element therein would be so recognized by persons skilled in the art. *In re Robertson*, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). Further, inherency is not established by probabilities or possibilities, and the mere fact that a property may result from a given circumstances is not sufficient; instead it must be shown that such property *necessarily* inheres in the thing described in the reference. *Id.*



From page 8 of the instant application, one can glean some exemplary steps to make an azo-initiator-functionalized silyl compound. Even this falls short of the current claims, wherein the azo-initiator is required to be further chemically bonded to a polyacrylate coating. The Examiner says that such a complex series of chemical reactions leading to the instant constructs can occur *in situ* through thermal curing, but gives no sound technical reasoning why this is the case. As *Robertson* makes clear, the burden is squarely on the Examiner to provide a sound technical reasoning why it will *necessarily* be the case that even if the appropriate selections within Schmidt's disclosure are made, the necessary result of thermal curing will be particles comprising a coating of polyacrylate chemically bonded to initiator chemically bonded to silicate and/or silicate gel, wherein the particles additionally are not more than 50 nm in size.

The Examiner says in the third paragraph on page 8 that this is "implicit." However, not only does Schmidt not imply this, but the standard is "inherent" and this must necessarily occur. The Examiner has not shown this to occur necessarily, and, thus, has made a *prima facie* case of inherency.

In view of the foregoing, Appellants respectfully submit that Husemann is disqualified as prior art, and that, in any event, the combination of Husemann and Schmidt fails to make out a *prima facie* case of the obviousness of the rejected claims.

### **III. Obviousness of Claim 3 over Schmidt as evidenced by Knovel**

Appellants respectfully submit that the Examiner commits the following errors:

- A. The Examiner errs in failing to recognize that while the instant claims are drawn to “transparent acrylate *pressure-sensitive adhesive*,” Schmidt is not drawn to a pressure-sensitive adhesive.**

The Examiner completely ignores the limitation of the claims that the adhesive is a “pressure-sensitive adhesive,” describing Schmidt in all occurrences as “disclosing *an* adhesive,” and nowhere even alleging that Schmidt describes pressure-sensitive adhesives.

As noted above, Appellants respectfully submit that it would be immediately apparent to anyone skilled in the art that Schmidt’s materials are not pressure-sensitive adhesives, but, rather, hardening adhesives, i.e., they are activated by applying the adhesive to parts to be joined, joining the parts and then curing the adhesive, for instance, thermally. See, for example, Schmidt’s claims 13 and 14.

The rejection of the instant claims as being obvious over Schmidt as evidenced by Knovel is clearly in error as the Examiner has not dealt with all claim limitations.

**B. The Examiner errs in finding Schmidt renders *prima facie* obvious filler particles comprising a coating of a polyacrylate chemically bonded to a free radical initiator, which initiator is, in turn, chemically bonded to silicate and/or silica gel.**

Again, the Examiner concedes in the very last paragraph on page 3 of the final rejection that:

“Schmidt is *silent* with respect to coating of filler (i.e., silicate and/or silica gel) with polyacrylate that is chemically bonded to a free-radical initiator which free radical initiator is chemically bonded to silicate and/or silica gel.”

However, the Examiner finds at the end of the first paragraph on page 4 that:

“[I]t would have been obvious to one skilled in the art to recognize that during [Schmidt’s] mixing process thermal initiators comprising functional groups would interact to some degree with functional groups on both silica particles and surface modifying substances such as acrylic acid, methacrylic acid and methyl methacrylate, and that the surface modifying compounds would in fact polymerize during thermal curing process to form a coating of polyacrylate on the surface of silicate and/or silica gel containing chemically attached thermal initiators.”

Appellants respectfully submit that this is complete conjecture, unsupported by anything on the present record.

Just as important, there is no mention anywhere in this statement of the free-

radical initiator, which, according to the current claims, must be bonded between the polyacrylate coating and the silicate and/or silica gel.

Appellants respectfully remind the Board of the many selections that a person having ordinary skill in the art must make from within Schmidt's disclosure in order to achieve the present invention; and, further that the Examiner has not pointed to anything that would have led persons skilled in the art to make the selections necessary to arrive at the mixture that would have to be thermally cured in order to achieve, according to the Examiner's theory, the instant constructs.

Respectfully, there is nothing in Schmidt directing persons skilled in the art to make all of the necessary selections. Even if such selections *could* be made, Appellants point out, again, that such possibility does not make out a *prima facie* case of obviousness. See, *In re Baird*, 29 USPQ2d 1550, 1552 (Fed. Cir. 1994) ("The fact that a claimed compound may be encompassed by a disclosed generic formula does not by itself render that compound obvious.") Instead, a *prima facie* case of obviousness is only made out if the prior art highlighted the selections that must be made to achieve the claimed compounds in some manner, and, therefore, led persons skilled in the art towards them. The Examiner makes absolutely no case how the prior art highlights the pertinent selections and, thus, leads persons skilled in the art to the instant compounds. In the absence of such effort, the Examiner has failed to make out a *prima facie* case of obviousness.

**C. The Examiner errs in finding that filler particles comprising a coating of a polyacrylate chemically bonded to a free radical initiator, which initiator is, in turn, chemically bonded to silicate and/or silica gel would inherently form during Schmidt's thermal curing process.**

Further, Appellants point out, again, that the concept of inherency is strictly applied generally, and misapplied by the Examiner in this case. Where, as here, the Examiner relies on a theory of inherency as to any particular element, then the extrinsic evidence must make clear that such element is *necessarily* present in the thing described in the reference, and the presence of such element therein would be so recognized by persons skilled in the art. *In re Robertson*, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). Further, inherency is not established by probabilities or possibilities, and the mere fact that a property may result from a given circumstances is not sufficient; instead it must be shown that such property *necessarily* inheres in the thing described in the reference. *Id.*

From page 8 of the instant application, one can glean some exemplary steps to make an azo-initiator-functionalized silyl compound. Even this falls short of the current claims, wherein the azo-initiator is required to be further chemically bonded to a polyacrylate coating. The Examiner says that such a complex series of

chemical reactions leading to the instant constructs can occur *in situ* through thermal curing, but gives no sound technical reasoning why this is the case. As *Robertson* makes clear, the burden is squarely on the Examiner to provide a sound technical reasoning why it will *necessarily* be the case that even if the appropriate selections within Schmidt's disclosure are made, the necessary result of thermal curing will be particles comprising a coating of polyacrylate chemically bonded to initiator chemically bonded to silicate and/or silicate gel, wherein the particles additionally are not more than 50 nm in size.

The Examiner says in the third paragraph on page 8 that this is "implicit." However, not only does Schmidt not imply this, but the standard is "inherent" and this must necessarily occur. The Examiner has not shown this to occur necessarily, and, thus, has made a *prima facie* case of inherency.

These errors are not remedied by resort to *Knovel*. Consequently, the combination of Schmidt and *Knovel* fails to make out a *prima facie* case of the obviousness of claim 3.

In view of the foregoing, Appellants respectfully request that the Honorable Board reverse the final rejections.

AUTHORIZATION TO CHARGE FILING FEE TO DEPOSIT ACCOUNT

It is requested that the fee for the filing of the Brief on Appeal be charged to the undersigned's Deposit Account No. 14-1263 in the amount of \$540.00 for other than a small entity.

## CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, appellant requests that this be considered a petition therefor. Please charge the required Petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess to our Deposit  
Account No. 14-1263.

Respectfully submitted,

NORRIS MCLAUGHLIN & MARCUS, P.A.

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## **(8) CLAIMS APPENDIX**

1. A transparent acrylate pressure-sensitive adhesive comprising a polyacrylate and a filler, wherein the filler comprises particles of silicate and/or of silica gel, wherein said particles additionally comprise a coating of polyacrylate chemically bonded to a free radical initiator which free-radical initiator is chemically bonded to said silicate and/or silica gel, and wherein the polyacrylate-coated particles of silicate and/or of silica gel have a size of not more than 50 nm.

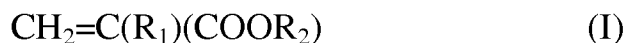
2. The acrylate pressure-sensitive adhesive of claim 1, wherein the polyacrylate-coated particles of silicate and/or of silica gel have a size of 10 to 30 nm.

3. The acrylate pressure-sensitive adhesive of claim 1, wherein the polyacrylate-coated particles of silicate and/or of silica gel are present with a weight fraction of 0.5 to 25 relative to unfilled silicate/silica gel.

4. The acrylate pressure-sensitive adhesive of claim 1, wherein the polyacrylate is obtained from a comonomer composition comprising:



- a) acrylic acid and methacrylic acid derivatives of the formula (I),  
with a fraction of 70 to 100 percent by weight,



where  $\text{R}_1 = \text{H}$  or  $\text{CH}_3$  and  $\text{R}_2 = \text{H}$  or an alkyl chain having 2 to 20 carbon atoms, or stearyl (meth)acrylate or (meth)acrylic acid,  
and

- b) vinyl compounds comprising functional groups, with a fraction  
of 0 to 30 percent by weight.

5. The acrylate pressure-sensitive adhesive of claim 4, wherein the vinyl compound is a maleic anhydride, a styrene, a styrene compound, a vinyl acetate, a (meth)acrylamide, an N-substituted (meth)acrylamide, a  $\beta$ -acryloyloxypropionic acid, a vinyl acetic acid, a fumaric acid, a crotonic acid, an aconitic acid, a dimethylacrylic acid, a trichloroacrylic acid, an itaconic acid, a hydroxyalkyl (meth)acrylate, an amino-containing (meth)acrylate, a hydroxyl-containing

(meth)acrylate, a 2-hydroxyethyl (meth)acrylate, a 2-hydroxypropyl (meth)acrylate, and/or a 4-hydroxybutyl (meth)acrylate.

6. The acrylate pressure-sensitive adhesive of claim 4, wherein the vinyl compound is a double-bond-functionalized photoinitiator.

9. The acrylate pressure-sensitive adhesive of claim 1, wherein the polyacrylate of the pressure-sensitive adhesive and of the polyacrylate-coated particle coating are identical.

10. A process for preparing an acrylate pressure-sensitive adhesive of claim 1, said process comprising polymerizing the acrylates and comonomers in the presence of at least one organic solvent or in bulk, the polyacrylate-coated particles of silicate and/or of silica gel being mixed in.

11. The process of claim 10, wherein polyacrylate-coated particles of silicate and/or of silica gel having a maximum size of 50 nm are mixed in.

12. The process of claim 10, wherein the polyacrylate-coated particles of silicate and/or of silica gel are mixed in with a weight fraction of 0.5 to 25 relative

to unfilled silicate/silica gel.

14. The process of claim 10, wherein the polyacrylate-coated particles of silicate and/or of silica gel are mixed in during or after the polymerization.

15. The process of claim 10, wherein the polyacrylate of the acrylate pressure-sensitive adhesive and of the polyacrylate-coated particle coating are identical.

16. The process of claim 10, which further comprises crosslinking the acrylate pressure-sensitive adhesive by UV irradiation in the range from 200 to 400 nm.

17. The process of claim 16, wherein the acrylate pressure-sensitive adhesive is crosslinked by ionizing radiation or by thermal crosslinking.

19. A pressure-sensitive adhesive tape comprising the acrylate pressure-sensitive adhesive of claim 1.

20. A bonding method comprising applying a pressure-sensitive adhesive

tape of claim 19 to a substrate.

**(9) EVIDENCE APPENDIX**

NONE

**(10) RELATED PROCEEDINGS APPENDIX**

NONE